

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 EB-08 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 FRB-03 H-01 INR-10 INT-05 L-03
LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05 SS-15
STR-07 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01
DOE-15 OIC-02 /128 W
-----023094 051918Z /46

R 050552Z JUL 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 7668
INFO USMISSION GENEVA
ALL EC CAPITALS

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 13148

USEEC

GENEVA FOR USDEL MTN

E.O. 11652: GDS
TAGS: ETRD, EEC
SUBJECT: MTN: EC COMMON IMPORT SCHEME AND SELECTIVE
SAFEGUARDS LINK

REF: BRUSSELS 12923

1. UK MISSION HAS PROVIDED USEC WITH DOCUMENT
ENTITLED "IMPORT RESTRICTIONS ON THIRD COUNTRIES:
REVISION OF EEC RULES". SOURCE DESCRIBED THIS AS
BACKGROUND NOTE PREPARED FOR SEVERAL INTERESTED
GROUPS (WHICH WE ASSUME TO MEAN BRITISH GOVERNMENT
AGENCIES). TEXT OF DOCUMENT HAS BEEN SENT TO
EUR/RPE, ED CASEY, AND MTN DEL GENEVA, MICHAEL
ROWNY. PARAGRAPHS OF PARTICULAR INTEREST ARE
QUOTED BELOW:

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BEGIN TEXT:
SUMMARY OF PRESENT POSITION ON UNILATERAL ACTION:
8. WHAT THIS AMOUNTS TO IN TERMS OF THE RIGHT TO
ACT UNILATERALLY IS THAT:

I. ON "LIBERALIZED PPRODUCTS THERE BEGIN UNDERLINE
WAS END UNDERLINE A PROVISION UNDER WHICH MEMBER

STATES COULD ACT UNILATERALLY, BUT ONLY IN THE LIMITED SENSE THAT THEY COULD INTRODUCE INTERIM MEASURES BEFORE SEEKING COMMUNITY AGREEMENT TO THEM; AS FROM THE BEGINNING OF 1976, THIS PROVISION HAS BEEN INOPERATIVE, AND THERE IS CURRENTLY NO UNILATERAL RIGHT;

II. ON "NON-LIBERALIZED" PRODUCTS MEMBER STATES CAN TAKE UNILATERAL ACTION AND VERY PROBABLY MAINTAIN IT, IF THEY WISH, WHATEVER THE REST OF THE COMMUNITY'S REACTION. THE PROPOSED REVISION OF THE RULES:

9. IN THE COMMUNITY DISCUSSIONS IN THE LAST TWO YEARS MOST MEMBER STATES WANTED TO HAVE THE URGENCY PROVISIONS OF 1439/74 REACTIVATED. THE GERMANS AND THE COMMISSION WERE OPPOSED TO THIS UNLESS BEGIN UNDERLINE ALL END UNDERLINE PRODUCTS WERE SUBJECT TO THE TIGHTER 1439/74 PROCEDURES. FINALLY, THE COUNCIL SECRETARIAT PROPOSED A COMPROMISE, THE MAIN FEATURES OF WHICH WERE THESE:

A. THE "URGENCY" PROVISIONS (I.E. ARTICLE 14) OF 1439/74 WOULD BE REACTIVATED UNTIL THE END OF 1981 (WITH SOME MODIFICATIONS WHICH WOULD NOT HOWEVER AFFECT THE RIGHT TO TAKE INTERIM ACTION). THEY WOULD THEN LAPSE ONCE AGAIN UNLESS THERE WAS A DECISION TO CONTINUE THEM.

B. THE 72/455 PROCEDURES WOULD CONTINUE TO BE AVAILABLE AS AT PRESENT FOR "NON-LIBERALIZED" PRODUCTS UNTIL THE END OF 1981. THEREAFTER THE "URGENCY" ARRANGEMENTS WOULD BECOME THOSE SET OUT IN 1439/74 AND, FOR NON-CONFIDENTIAL

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LIBERALIZED PRODUCTS, WOULD CONTINUE INDEFINITELY. (IN OTHER RESPECTS, WHICH ARE NOT RELEVANT TO THE PRESENT ISSUE, THE ARRANGEMENTS FOR LIBERALIZED AND NON-LIBERALIZED PRODUCTS WOULD BECOME IDENTICAL.) IN THE CASE OF EASTERN EUROPE (WHERE DIFFERENT, THOUGH SIMILAR, SETS OF REGULATIONS ARE INVOLVED) ONLY THE CHANGE AT "A" WOULD APPLY. THE ARRANGEMENTS FOR NON-LIBERALIZED PRODUCTS FOR THESE COUNTRIES WOULD REMAIN UNCHANGED.

10. FROM THE POINT OF VIEW OF MOST MEMBER STATES THE ADVANTAGE OF THE COMPROMISE PROPOSAL IS THAT, AT LEAST UNTIL THE END OF 1981, THE URGENCY PROCEDURE FOR LIBERALIZED PRODUCTS WOULD BE RESTORED WITH THE POSSIBILITY OF A FURTHER RESTORATION THEREAFTER. THE DISADVANTAGE IS THAT FROM 1981 ONWARDS THE URGENCY PROCEDURE FOR NON-LIBERALIZED PRODUCTS WOULD BECOME SOMEWHAT MORE STRINGENT; IN EFFECT, POSITIVE COMMUNITY APPROVAL WOULD BE REQUIRED FOR THE CONTINUATION OF NATIONAL MEASURES RATHER THAN THE ABSENCE OF DISAPPROVAL. AS THE LAST SENTENCE IN PARAGRAPH 7 EXPLAINS, THIS WOULD SUBSTANTIALLY AFFECT THE LEGAL POSITION. BUT EVEN IN

THE PERIOD UNTIL 198, THE RESTORED ABILITY OF MEMBER STATES TO ACT UNILATEALLY ON LIBERALIZED PRODUCTS IS LIMITED TO "TRIGGER" ACTION - I.E. A MEMBER STATE CAN, IN AN URGENT SITUATION, IMPOSE QUOTAS AFTER MERELY NOTIFYING THE COMMISSIN; BUT THIS REMAINS SUBJECT TO ENDORSEMENT BY THF COMMISSION AND THE COUNCIL. IF THE COMMISSION, IN THE FIRST INSTANCE, DECIDES TO OPPOSE THE MEASURE, IT LAPSES AFTER A WEEK - UNLESS THE MEMBER STATE CONCERNED REFERS THE COMMISSION DECISION TO THE COUNCIL. THE COUNCIL MUST DECIDE (BY QUALIFIED MAJORITY) WITHIN A MONTH. UNLESS THE COUNCIL DECIDES TO PROLONG THE ORIGINAL NATIONAL MEASURE, IT LAPSES AUTOMATICALLY WITHIN A MONTH OF BEING REFERRED TO THE COUNCIL.

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END TEXT. HINTON

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